

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 20, 2009, and the Notice of Abandonment of February 17, 2010, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 4-8 are pending in this application, where claims 1 and 4-8 are independent.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. §102(b) over U.S. Patent Application Publication No. 2003/0103429 (Senshu). Applicant respectfully traverses and submits that claims 1-2 and 4-8 are patentable over Senshu for at least the following reasons.

Senshu is directed to "a method of prerecording shipping-time information, which compensates embossed pits." (Senshu, paragraph [0028], lines 2-3). On page 3, last two lines of the first paragraph, it is alleged that FIG 30 and, paragraphs [0448] and [0454] of Senshu disclose "synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11," as recited in independent claim 1, and similarly recited in independent claims 4-8. This allegation is respectfully traversed.

Paragraph [0448] of Senshu specifically recites:

Expressed in terms of data bits, for example, the sync ID of the frame sync FS0 is 3 bits "000" and 1 parity bit, which is 0 in this case.

These 3 data bits and the parity bit are subjected to an FM code modulation process to result in the 8 channel bits "10101010".

Further, paragraph [0454] of Senshu specifically recites:

Frame numbers 0 to 30 are assigned to respectively the 31 frames of each group. For frame number 0, a FS0 is used as a special frame sync not used for other frame numbers. Thus, the frame sync FS0 allows the beginning of an address frame to be detected and, hence, address synchronization to be established.

A careful reading of paragraphs [0448] and [0454] of Senshu reveal that they are completely devoid of excluding any sequence that directly follows synchronization patterns. There is not even any disclosure or suggestion in Senshu to exclude any sequence that directly follows synchronization patterns, let alone excluding the particular sequence of 01 11 01 11, as recited in independent claims 1 and 4-8. In fact, a search of a sequence that includes "0111" in Senshu resulted in no hits.

In summary, it is respectfully submitted that Senshu does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 4-8 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the part for distinguishing the synchronization patterns consists only of the bit sequence 100 101 or of the bit sequence 010 101, and is directly followed by any 8 bit data bit sequence except the sequence 01 11 01 11.

These features are nowhere disclosed or suggested in Senshu. Accordingly, it is respectfully requested that independent claims 1 and 4-8 be allowed. In addition, it is

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respectfully submitted that claim 2 should also be allowed at least based on their dependence from independent claim 1.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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